

[First Reprint]

## **ASSEMBLY, No. 2679**

# **STATE OF NEW JERSEY**

## **210th LEGISLATURE**

INTRODUCED SEPTEMBER 12, 2002

**Sponsored by:**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Assemblyman NEIL M. COHEN**

**District 20 (Union)**

**Co-Sponsored by:**

**Assemblymen Blee, Burzichelli, Corodemus, Dancer, Fisher,  
Assemblywoman Greenstein, Assemblyman Guear, Assemblywoman Heck,  
Assemblyman S.Kean, Assemblywoman McHose, Assemblymen Munoz,  
Sarlo, R.Smith, Van Drew, Senators Ciesla, Gill and Sacco**

### **SYNOPSIS**

Upgrades crime of luring or enticing a child into motor vehicle, structure or isolated area to a crime of the second degree.

### **CURRENT VERSION OF TEXT**

As reported by the Assembly Judiciary Committee on February 13, 2003, with amendments.

(Sponsorship Updated As Of: 12/12/2003)

1 AN ACT upgrading crime of luring or enticing a child and amending  
2 P.L.1993, c.291.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.1993, c.291 (C.2C:13-6) is amended to read as  
8 follows:

9 1. Luring, enticing child by various means, attempts; crime of  
10 <sup>1</sup>[third] second<sup>1</sup> degree; subsequent offense, mandatory  
11 imprisonment.

12 A person commits a crime of the [third] second degree if he  
13 attempts, via electronic or any other means, to lure or entice a child or  
14 one who he reasonably believes to be a child into a motor vehicle,  
15 structure or isolated area, or to meet or appear at any other place, with  
16 a purpose to commit a criminal offense with or against the child.

17 "Child" as used in this act means a person less than 18 years old.

18 "Electronic means" as used in this section includes, but is not  
19 limited to, the Internet, which shall have the meaning set forth in  
20 N.J.S.2C:24-4.

21 "Structure" as used in this act means any building, room, ship,  
22 vessel or airplane and also means any place adapted for overnight  
23 accommodation of persons, or for carrying on business therein,  
24 whether or not a person is actually present.

25 Nothing herein shall be deemed to preclude, if the evidence so  
26 warrants, an indictment and conviction for attempted kidnapping under  
27 the provisions of N.J.S.2C:13-1.

28 A person convicted of a second or subsequent offense under this  
29 section <sup>1</sup>or a person convicted under this section who has previously  
30 been convicted of a violation of N.J.S.2C:14-2, subsection a. of  
31 N.J.S.2C:14-3 or N.J.S.2C:24-4<sup>1</sup> shall be sentenced to a term of  
32 imprisonment. Notwithstanding the provisions of paragraph <sup>1</sup>[(3)]  
33 (2)<sup>1</sup> of subsection a. of N.J.S.2C:43-6, the term of imprisonment shall  
34 include, unless the person is sentenced pursuant to the provisions of  
35 N.J.S.2C:43-7, a mandatory minimum term of one-third to one-half of  
36 the sentence imposed, or [two] three years, whichever is greater,  
37 during which time the defendant shall not be eligible for parole. If the  
38 person is sentenced pursuant to N.J.S.2C:43-7, the court shall impose  
39 a minimum term of one-third to one-half of the sentence imposed, or  
40 [three] <sup>1</sup>[six] five<sup>1</sup> years, whichever is greater. The court may not  
41 suspend or make any other non-custodial disposition of any person

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AJU committee amendments adopted February 13, 2003.

1 sentenced as a second or subsequent offender pursuant to this section.

2 For the purposes of this section <sup>1</sup>, <sup>1</sup> an offense is considered a second  
3 or subsequent offense <sup>1</sup>or a previous conviction of N.J.S.2C:14-2,  
4 subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4, as the case may be.<sup>1</sup>  
5 if the actor has at any time been convicted pursuant to this section, or  
6 under any similar statute of the United States, this State or any other  
7 state for an offense that is substantially equivalent to this section <sup>1</sup>or  
8 substantially equivalent to N.J.S.2C:14-2, subsection a. of  
9 N.J.S.2C:14-3 or N.J.S.2C:24-4<sup>1</sup>.

10 (cf: P.L.2001, c.233, s.1)

11

12 2. This act shall take effect immediately.